

NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
NEWARK, NEW JERSEY
APRIL 1, 2015

NOTE: The Public Session was called to order at 10:00 A.M. by President, Shirley Birenz, RDH.

ATTENDANCE: The following members were in attendance:

Joseph Battaglia, DMD; Shirley Birenz, RDH; Emil Cappetta, DDS; Elizabeth Clemente, DDS; Nicholas C. DeRobertis, DMD; Herbert Dolinsky, DDS; Steven Goldstein, DDS; Roger Kriete, DMD; Richard D. Riva, DDS;

OTHER ATTENDEES: Deputy Attorneys General Miller and Oo; Cecilia Moreira, Senior Management Assistant; Executive Director Jonathan Eisenmenger

ABSENT: Peter Clemente, DMD; Beverly Kupiec, PhD, RN

I. APPROVAL OF MINUTES: March 18, 2015 - Approved as amended.

II. COMMITTEE REPORTS:

A. Continuing Education:

1. The Board reviewed a request for approval of a course entitled "Animal Assisted Therapy in the Dental Office" - The Board approved this course and requests that the course provider be sent a copy of N.J.A.C. 13:30-8.24 so that the provider and course participants are aware of the regulations governing animals in the dental office.
2. The Board reviewed a request for approval of a course entitled "The Other Breastfeeding Dyad: A Couples' Weekend for the Lactation Consultants and Bodyworkers" - The Board approved this course for four hours of continuing education. Participants will only get credit for the sections related to dentistry.

B. Regulatory Committee:

Report from the committee concerning inquiry from Arthur Meisel, Esq. from the New Jersey Dental Association, as to whether registered dental assistants are permitted to take 3-D digital scans.

The Board has reviewed the nature of 3-D scanners currently in use in dental offices. These scanners do not use radiation to produce the images. As such, 3-D scanners are similar, but not identical, to intra-oral cameras. Their use, under the direct supervision of a dentist, is permitted in a dental office or other clinical setting.

The Board notes that RDAs, LRDA-Os, and unregistered dental assistants may perform services/functions only under the direct supervision of a dentist. Although dental hygienists may use intra-oral cameras under general supervision, the Board has determined that hygienists may use 3-D scanners only under direct supervision in a dental office or other clinical setting.

III. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Dr. Brian S. Krost - Taken as informational.
2. Dr. Jeffrey C. Elbaum - Taken as informational.
3. Dr. Donald G. Rebhun - Moved to executive session for discussion.
Upon return to public session the Board took this as informational.
4. Jennifer Lizzi, RDH - Taken as informational.

IV. ORDERS/SETTLEMENT LETTERS FILED BY THE BOARD:

The following were filed by the Board and taken as informational:

1. Dr. Robert Karasek - Consent Order of Reinstatement filed on February 26, 2015.
2. Dr. Leonid Itskov - Consent Order filed on March 9, 2015.
3. Dr. Alfred D. Dennis - Settlement Letter filed on March 9, 2015.
4. Dr. Barbara Maronpot - Consent Order of Temporary Suspension filed on March 17, 2015.
5. Stacey Carroll, RDH - Final Order of Discipline filed on March 18, 2015.
6. Dr. Jennifer Lamphier - Final Consent Order filed on March 23, 2015.

V. OTHER MATTERS:

1. The Board reviewed additional information submitted by Dr. Abraham Speiser in follow-up to the inquiry discussed at the March 4, 2015 meeting concerning prescribing of CDS by a dentist at the request of a treating dentist who does not hold CDS and DEA registrations.

After reviewing the information available, the Board determined that it would be appropriate for Dr. Speiser to obtain an active CDS permit and DEA registration in order to write prescriptions for his patients, when necessary. Ms. Birenz was recused because of her connection with Senior Housing where one of the dentists treats patients.

The Board also determined to refer this matter to the Board's regulatory committee.

2. The Board reviewed correspondence from Rebeca Sabnekar concerning "Permissible Business Structures." Specifically, whether a registered dental assistant is considered closely allied health care professional. The Board tabled this matter for further legal research. The Board also noted that additional information may need to be obtained from Ms. Sabnekar.

3. The Board reviewed an inquiry from Vaidya Selvan concerning questions about starting a dental plan. The Board determined that Mr. Selvan be advised that he is subject to all applicable statutes and regulations and that he should contact an attorney.
4. The Board reviewed an inquiry from Andy Castillo concerning an "Anesthesia Practice Management Company."
The Board noted that this matter requires further research. The Board of Medical Examiners' statutes will also be reviewed concerning this issue.
5. Not on the agenda - Arthur Meisel from the New Jersey Dental Association, questioned the Board whether dentists are permitted to write a prescription for blood work.
After discussing this matter, the Board determined that a dentist can write a prescription for blood work where the results of blood work are related to the practice of dentistry.

VI. APPEARANCES:

1. 11:00 A.M. - Marissa De Witt - Appearance concerning her application for a registered dental assistant registration.

At the request of Ms. De Witt the Board in a motion by Dr. Battaglia, seconded by Dr. DeRobertis, moved this matter to Executive Session.

Upon return to public session, the Board in a motion by Dr. Dolinsky, seconded by Dr. DeRobertis, approved Ms. De Witt's application for registered dental assistant.

VII. ADJOURNMENT: The Board adjourned the Public Session and moved to Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.